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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2145

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/759,926

Applicant(s)

BERKOWITZ ET AL.

Examiner

Thomas Duong

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/25/05, 11/28/05</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the applicants Amendment filed on June 5, 2006.

Applicant amended *claims 1 and 20*. *Claims 1-34* are presented for further consideration and examination.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. *Claims 1-17 and 20-32* are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. (US006738803B1), in view of Butler et al. (US006460057B1), and further in view of Pickering (US006704708B1).

4. With regard to *claims 1 and 20*, Dodrill discloses,

- *receiving voice application data over a network regarding the voice applications, wherein the voice application data includes location data to indicate where the voice applications are located on the network; (Dodrill, col.8, lines 1-14, lines 54-67)*

Dodrill discloses, *"the proxy browser 62 and the web browser 56 within the fat client 42a and the thin client 42b execute voice enabled web applications by*

*sending data and requests to a web server 64*" (Dodrill, col.7, lines 46-49) and *"the web server 64 preferably serves as an interface between the browsers and an application server 66 that provides an executable runtime environment for XML voice applications 68"* (Dodrill, col.7, lines 54-57). Hence, Dodrill teaches of the server receiving requests for accessing voice-enabled applications from clients over the network.

However, Dodrill does not explicitly disclose,

- *storing in a database the voice application data in accordance with a predetermined voice application taxonomy;*

Butler teaches,

- *storing in a database the voice application data in accordance with a predetermined voice application taxonomy;* (Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47)

Butler discloses *"a method of grouping data objects in a application processing system, said data objects having a plurality of data categories, said method comprising: associating a plurality of data objects with a group; arranging the data objects into a sub-group within said group, each sub-group corresponding to the data category of the data object; creating a representation of the sub-groups"* (Butler, col.2, lines 6-12). According to Butler, *"the database structures which implement the described solution. The category of each data object is stored in the object category table"* (Butler, col.3, line 50-52). Hence, Butler teaches of storing in a database the voice application data in a category table (i.e., Applicants' taxonomy).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Butler with the teachings of Dodrill to *"enable voice applications to be implemented on an IP packet switched network using the open standards-based flexibility of the IP network"* (Dodrill, col.4, lines 35-36) by providing a method for processing in an interactive voice processing system that is able to acquire the user's voice input, process and analyze it, search the database for the matching voice enabled application, and executing the requested application to provide an answer to the user. In addition, according to Butler, it is advantageous *"to assist with the organization of application objects, a concept of an application is introduced. This can be regarded as a container for application objects which are required to deliver a voice application (or applications)"* (Butler, col.2, lines 13-16). Also, according to Butler, *"the grouping of the application objects is important at this stage so that the appropriate application objects may be selected efficiently and without error"* (Butler, col.1, line 67 – col.2, line 3).

However, Dodrill and Butler do not explicitly disclose,

- *receiving a request for a voice application based upon a user requiring a telephony service, wherein the request includes search criteria for selecting a voice application from the database; and*
- *retrieving from the database the location data of at least one voice application whose stored voice application data substantially satisfies the search criteria;*
- *wherein the voice application located at the retrieved location data is used to perform the user-requested telephony service.*

Pickering teaches,

- *receiving a request for a voice application based upon a user requiring a telephony service, wherein the request includes search criteria for selecting a voice application from the database; and* (Pickering, col.1, lines 21-33; col.2, line 15 - col.4, line 3; col.4, line 24 – col.6, line 65)

Pickering discloses, *“a method for processing in an interactive voice processing system comprising: receiving a voice signal from user interaction”* (Pickering, col.2, lines 15-17), recognizing the user requested service from the user interaction, and passing the user requested service to the server for processing and responding to the user requested service. In addition, according to Pickering, *“a Voice Response server is a Voice Response for Windows NT clients. A variety of services are required, such as playing recorded voice segments or reading a database. The application manager 34 requests these services from the telephony server 40 or database server 42”* (Pickering, col.5, lines 47-55). Hence, Pickering teaches of receiving the user's voice-enabled requested service through the network and searching the database for the corresponding application to the particular requested service.

- *retrieving from the database the location data of at least one voice application whose stored voice application data substantially satisfies the search criteria;* (Pickering, col.1, lines 21-33; col.2, line 15 - col.4, line 3; col.4, line 24 – col.6, line 65)

Pickering discloses, *“a method for processing in an interactive voice processing system comprising: receiving a voice signal from user interaction”* (Pickering, col.2, lines 15-17), recognizing the user requested service from the user interaction, and passing the user requested service to the server for processing

and responding to the user requested service. In addition, according to Pickering, *"a Voice Response server is a Voice Response for Windows NT clients. A variety of services are required, such as playing recorded voice segments or reading a database. The application manager 34 requests these services from the telephony server 40 or database server 42"* (Pickering, col.5, lines 47-55). Hence, Pickering teaches of receiving the user's voice-enabled requested service through the network and searching the database for the corresponding application to the particular requested service.

- *wherein the voice application located at the retrieved location data is used to perform the user-requested telephony service.* (Pickering, col.1, lines 10-45; col.10, lines 10-42)

Pickering teaches of providing a response to the user's request *"based on performing a search using keywords of the estimated text"* (Pickering, col.10, lines 41-42), wherein the estimated text is derived from the voice input of the user. In addition, according to Pickering, in a banking application using interactive voice response with speech recognition a *"voice signal is acquired and speech recognition is performed on the voice signal to create text [and] once the speech recognition is finished and the text is formed is the text response analyzed and processed for a result"* (Pickering, col.1, lines 36-39). Finally, *"this result is passed to a banking application to search and provide the answer"* (Pickering, col.1, lines 44-45). Hence, Pickering teaches of receiving the user's voice-enabled requested service through the network and searching the database for the corresponding application to the particular requested service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Pickering with the teachings of Dodrill and Butler to *"enable voice applications to be implemented on an IP packet switched network using the open standards-based flexibility of the IP network"* (Dodrill, col.4, lines 35-36) by providing a method for processing in an interactive voice processing system that is able to acquire the user's voice input, process and analyze it, search the database for the matching voice enabled application, and executing the requested application to provide an answer to the user.

5. With regard to claims 2, 11-12, 21 and 30, Dodrill, Butler, and Pickering disclose,

- *wherein the voice application data includes voice application operational requirement data, said method further comprising the steps of:*
  - *receiving from a telephony server telephony server attribute data, wherein the telephony server is an interface between the user and the database; and*  
(Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
  - *retrieving from the database the location data of at least one voice application whose voice application operational requirement data substantially satisfies the telephony server attribute data.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)



6. With regard to claims 3 and 22, Dodrill, Butler, and Pickering disclose,

- *wherein the voice application data includes voice markup language data which indicates type of voice markup language used in the voice applications, said method further comprising the step of:*
  - *retrieving from the database the location data of at least one voice application whose voice markup language data substantially satisfies the search criteria.*  
(Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

7. With regard to claims 4 and 23, Dodrill, Butler, and Pickering disclose,

- *wherein the voice application data includes speech engine requirement data, said method further comprising the steps of:*
  - *receiving from a telephony server telephony server attribute data which indicates which speech engines are operational within the telephony server; and* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
  - *retrieving from the database the location data of at least one voice application whose speech engine requirement data substantially satisfies the telephony server attribute data.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67;

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col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

8. With regard to claims 5-9 and 24-28, Dodrill, Butler, and Pickering disclose,

- *wherein the voice applications are VoiceXML applications* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
- *wherein the network is a global communications network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
- *wherein the network is an Internet network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
- *wherein the location data is a Uniform Resource Locator (URL) which indicates where on the network the voice applications are located on the Internet network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
- *wherein the database is a relational database.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19;

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col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22;  
col.3, line 33 – col.4, line 3; col.10, lines 10-42)

9. With regard to claims 10 and 29, Dodrill, Butler, and Pickering disclose,
- *wherein the voice application taxonomy includes classifications selected from the group consisting of required speech engine resources, required telephony resources, required telephony markup language, required application server environment, and combinations thereof* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
10. With regard to claims 11-12 and 30, Dodrill, Butler, and Pickering disclose,
- *further comprising the step of: receiving the request for a voice application through a telephony server that is connected to the user.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
  - *wherein the search criteria includes the nature of the telephony service requested by the user.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

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11. With regard to claims 13-14 and 31-32, Dodrill, Butler, and Pickering disclose,
- *further comprising the step of: providing the voice application data through a graphical user interface that is in data communication with the network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
  - *wherein the graphical user interface allows retrieving location data of at least one of the voice applications based upon criteria specified through the graphical user interface.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
12. With regard to claims 15-17, Dodrill, Butler, and Pickering disclose,
- *reviewing the voice application data to ensure accuracy of the voice application data.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
  - *reviewing the voice application data to verify the location data of the voice applications on the network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Butler, col.2, line 5 – col.3, line 19; col.3, line 48 – col.4, line 47; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

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13. Claims 18-19 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. (US006738803B1), in view of Butler et al. (US006460057B1), in view of Pickering (US006704708B1), and further in view of DaCosta et al. (US006665658B1).

14. With regard to claims 18-19 and 33-34, Dodrill, Butler, and Pickering disclose,

Dodrill, Butler, and Pickering teach *claims 1 and 20* as detailed above.

However, Dodrill, Butler, and Pickering do not explicitly disclose,

- *sending on the network an automated searching spider to locate and index additional voice applications that are located on the network.*
- *wherein the spider is sent when a search of the database does not retrieve based upon the search criteria any location data for the voice applications.*

DaCosta teaches,

- *sending on the network an automated searching spider to locate and index additional voice applications that are located on the network.* (DaCosta, col.2, lines 45-61; col.6, lines 21-40)
- *wherein the spider is sent when a search of the database does not retrieve based upon the search criteria any location data for the voice applications.* (DaCosta, col.2, lines 45-61; col.6, lines 21-40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of DaCosta with the teachings of Dodrill, Butler, and Pickering to “*enable voice applications to be implemented on an IP packet switched network using the open standards-based flexibility of the IP network*” (Dodrill, col.4, lines 35-36) by providing a method for processing in an interactive voice processing system that is able to acquire the user’s voice input,

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process and analyze it, search the database for the matching voice enabled application, and executing the requested application to provide an answer to the user. In addition, DaCosta teaches of locating additional resources when necessary.

### ***Response to Arguments***

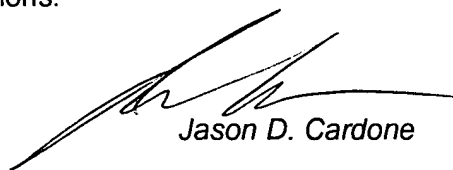
15. Applicant's arguments with respect to *claims 1-34* have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

September 1, 2006



Jason D. Cardone

Supervisory PE (AU2145)